

FILED
GREAT FALLS CITY.

2011 OCT 5 PM 3 32

PATRICK E. DUFFY, CLERK

BY _____
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

CHARLES BERNARD PARKE,

Plaintiff,

vs.

CITY OF BUTTE, et al.,

Defendants.

No. CV-10-42-BU-SEH

ORDER

On August 1, 2011, United States Magistrate Judge Keith Strong entered his Findings and Recommendation¹ in this matter. Plaintiff filed a Notice of Appeal² on August 15, 2011, and this case was stayed pending final resolution of all issues raised in the appeal. The Ninth Circuit dismissed the appeal for lack of

¹ Document No. 50

² Document No. 53

jurisdiction on September 14, 2011³ and issued a Mandate on October 4, 2011.⁴

On September 27, 2011, Plaintiff moved for extension of time to file objections to Judge Strong's Findings and Recommendations,⁵ which was granted on September 27, 2011.⁶ Plaintiff filed objections⁷ to Judge Strong's Findings and Recommendation on October 3, 2011.

The Court has fully considered Plaintiff's motion and has reviewed *de novo* Judge Strong's Findings and Recommendation. 28 U.S.C. § 636(b)(1). Upon *de novo* review of the record, I find no error in Judge Strong's Findings and Recommendation and adopt them in full.

ORDERED:

1. Defendant's Motions for Summary Judgment⁸ are GRANTED.
2. Plaintiff's Motion for Discovery⁹ and Defendant's Motion to Strike¹⁰

³ Document No. 54

⁴ Document No. 58

⁵ Document No. 55

⁶ Document No. 56

⁷ Document No. 57

⁸ Document Nos. 22 and 35

⁹ Document No. 41


¹⁰ Document No. 46

are DENIED as moot.

3. The Clerk of Court shall enter judgment accordingly.

4. An appeal of this decision would not be taken in good faith as Plaintiff failed to produce sufficient evidence to support his claims and as such no reasonable person could suppose that an appeal would have merit. Fed. R. App. P. 24(a)(3)(A).

DATED this 5th day of October, 2011


SAM E. HADDON
United States District Judge